

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CV-62111-RAR

PILCO INVESTMENTS, INC.,

Plaintiff,

v.

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY,

Defendant.

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ORDER GRANTING MOTION TO DISMISS

THIS CAUSE comes before the Court upon Defendant's Motion to Dismiss Second Amended Complaint [ECF No. 21] ("Motion"), filed on January 6, 2023. The Court held a hearing on the Motion on February 9, 2023 [ECF No. 33] ("Hearing"). The Court has reviewed the Motion, Plaintiff's Amended Response in Opposition [ECF No. 30], and Defendant's Reply in Support [ECF No. 31]. For the reasons stated on the record during the Hearing, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED that Defendant's Motion [ECF No. 21] is **GRANTED** as follows:

1. All counts contained in Plaintiff's Second Amended Complaint [ECF No. 17] are **DISMISSED *with leave to amend***. As explained at the Hearing, while the Second Amended Complaint alleges Plaintiff "suffered a loss during the policy period . . . in the form of a [roof leak], caused by wind and rain from Storm Eta, in such a fashion as to cause substantial damage" to each property, these allegations are too conclusory to satisfy the pleading requirements of Rule 8. Second Am. Compl. ¶¶ 7–9 (alteration in original). Plaintiff must supplement these allegations

with further information regarding, at a minimum, the damage to each property, the nature of such damages, and their causes. *See Viamontes v. Scottsdale Ins. Co.*, No. 20-22532, 2020 WL 5981680, at *2 (S.D. Fla. Oct. 8, 2020).

2. Plaintiff shall file a Third Amended Complaint **within 10 days** of the date of this Order.

DONE AND ORDERED in Miami, Florida, this 9th day of February, 2023.

A handwritten signature in black ink, appearing to read 'Rodolfo A. Ruiz II', written over a horizontal line.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE